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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,852	07/31/2003	Norbert Klausnitzer	2003P10510US	5685
7590 Siemens Corporation Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER JEANTY, ROMAIN	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 01/07/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/633,852	<b>Applicant(s)</b> KLAUSNITZER, NORBERT	
	<b>Examiner</b> Romain Jeanty	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                       |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                           | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

### **DETAILED ACTION**

1. This Non-Final Office action is in response to filing of this application on July 31, 2003.

Claims 1-19 are pending in the application.

### **Claim Rejections - 35 USC § 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 recites the limitation "about the sites". It is unclear as to what sites applicant is referring. There is insufficient antecedent basis for this limitation in the claim.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

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do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-2, 8 and 12-18 are rejected under 35 USC 102(e) as being anticipated by Gakidis et al (US 2002/0095305).

Regarding claim 1, Gakidis et al disclose method of managing an idea management system and providing the idea management system to a customer [Paragraphs 0012-0013], whereby a service provider implements the idea management system for the customer and whereby the service provider uses ideas generated from the idea management system to improve product or service for the service provider [Paragraphs 0026, 0044, 0048, and 0053].

Regarding claim 2, further discloses wherein the improved products and services are sold to the customer [Paragraph 0095].

Regarding claim 8, Gakidis further discloses wherein the ideas are offered for sale or lease to third parties [Paragraph 0071].

Regarding claim 12, further discloses wherein the service provider is connected via a computer network with the customer.

Regarding claim 13, further discloses wherein third parties are connected with the service provider or the customer via a computer network [Paragraph 0100].

Regarding claim 14, further discloses wherein the service provider is connected via a software framework with the customer [Paragraph 0035].

Regarding claim 15, further discloses wherein third parties are connected with the service provider or the customer via a software framework [Paragraph 0035].

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Regarding claim 16, Gakidis discloses a computer system for remote supporting and operating an idea management system, comprising: at least one computer [Paragraph 0100], mechanism for entering ideas into the idea management system, mechanism for evaluating the ideas [Paragraph 0028], mechanism for dispatch (sending) the ideas to relevant persons or locations [i.e., sending the idea to users. Note Paragraph 0109], mechanism for exchanging data about the sites and mechanism for storing the data [Paragraphs 0019 and 0053].

Regarding claim 17, Gakidis discloses computer system according claim 16, whereby the system is a client server system [Paragraph 0100].

Regarding claim 18, Gakidis further discloses whereby the system offers interfaces to third parties [Paragraph 0076].

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-7, 9-11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gakidis et al "Gakidis" (US 2002/0095305).

Regarding claim 3, Gakidis fails to explicitly disclose the feature of wherein customer employee remuneration for an idea suggested within the idea management system is paid by the service provider. However, it would have been obvious to a person of ordinary skill in the art to have incorporated this feature in the system of Gakidis with the motivation to pay the customer

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for his or her idea.

Regarding claims 4-5, Gakidis fails to explicitly disclose the feature of wherein the service provider compensates the customer for access to the idea for exploitation of the idea. However, it would have been obvious to a person of ordinary skill in the art to have incorporated this feature in the system of Gakidis with the motivation to pay the customer for his or her idea.

Regarding claim 6, Gakidis fails to explicitly disclose wherein the idea management system is integrated to an ERP System. However, it is old and well known in the art to integrate system with ERP system in order to facilitate a user to transfer data in real-time. It would have been obvious to a person of ordinary skill in the art to incorporate the idea management system of Gakidis with an ERP system in order facilitate a user to transfer of data in real-time.

Regarding claim 7, Gakidis fails to explicitly disclose wherein the idea management system is integrated to a common ERP System of the service provider and the customer. However, it is old and well known in the art to integrate system with ERP system in order to facilitate a user to transfer data in real-time. It would have been obvious to a person of ordinary skill in the art to incorporate the idea management system of Gakidis with an ERP system in order to facilitate a user to transfer of data in real-time.

Regarding claim 9, Gakidis fails to explicitly disclose wherein the service provider uses a contractor to implement the idea management system for the customer. However, Official Notice is taken that it is old and well known in the art to use a contractor to implement a management system in order to make the management system more versatile. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have incorporated this well known feature in the idea management system of Gakidis in order to make

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the Gakidis management system more versatile.

Regarding claims 10 and 11, Gakidis does not explicitly disclose wherein the idea management system is connected to an information system, and wherein the information system is a hospital information system. However, it is old and well known in the art to connect idea management to an hospital information system in order to collect and match patient and employee idea information.

Claim 19 is a computer system claim which claims the limitation of method claim 7 above; therefore claim 19 is rejected under the same analysis relied upon of claim 7.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

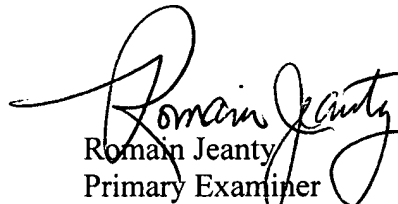
Hobbs (WO0179067), discloses a method for capturing and evaluating ideas.

Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 10, 2007



Romain Jeanty  
Primary Examiner  
Art Unit 3623